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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,610

06/14/2006

Pekka Hautala

AWEK 3444

1659

7812 7590 08/07/2008  
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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

08/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,610	<b>Applicant(s)</b> HAUTALA ET AL.	
	<b>Examiner</b> Gary Estremsky	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 75-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75,84,88-91,109,113-116 and 120-122 is/are rejected.
- 7) ☒ Claim(s) 76-83,85-87,92-108,110-112,117-119 and 123 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 75, 88-91, 113, 114, and 120 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,118,150 to Jarrett.

3. Jarrett '150 teaches Applicant's claim limitations including : a "first locking element" – 18, "free end region" – end which can be engaged with 30, a "second locking element" – 22, "acting arm" – 30, "gripping formation" – end which engages 18, "hinge means" – at 31, "safety catch" – 32.

4. As regards claim 89, the solenoid serves as "sensor", performing the recited function.

5. As regards claim 91, "first free end region" reads on outwardly-extended portion of 18 and "second free end region" wherein prior art structure anticipates arrangement.

6. As regards claim 120, reference discloses a "holding spring" – 37 which biases 30 towards position of Fig 4 ("withdrawn").

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 84, 109, 115, 116, 121, and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,118,150 to Jarrett.

Although the lock body of the reference is schematically shown, one of ordinary skill in the art would have found it to be an obvious design choice or engineering expedient to provide end surfaces of 30 that are transverse to its pivot axis with support against support surfaces of the lock body in order to control its endplay movement.

As regards claim 114, although the reference doesn't disclose a spring associated with bolt 22, one of ordinary skill in the art would have found it obvious at the time of the invention to provide it with a spring in order to bias it towards the projected position where examiner takes Official Notice that such arrangement is well known in the art for that purpose.

As regards claim 116, as shown in fig 6 for example, the engaging portions of 18,22 are each beveled relative to their adjacent body edge respectively.

As regards claim 121, although the reference doesn't disclose 30 to have a "groove for receiving the holding portion of the holding spring", the spring is shown in Fig 4 to be engaged with 30 in Fig 4 for example. It would have been an obvious design

choice or engineering expedient for one of ordinary skill in the art at the time of the invention to provide part 30 of the reference with a groove for receiving part 37 in order to help retain spring position relative thereto where examiner takes Official Notice that such arrangement is well known in the art for that purpose whereby one of ordinary skill in the art would have more than reasonable expectation of success in making the proposed modification since it would not otherwise affect function of the arrangement.

As regards claim 122 the portion of spring biased against 30 is prefaced by arm portion that is inherently capable of receiving a force to move the holding portion away. The limitation is recited functionally and does not clearly define any further structure that can be relied upon to patentably distinguish from the well known structure of the prior art and cannot be interpreted as step in a method of using since the claimed invention is a product. It has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

#### ***Allowable Subject Matter***

9. Claims 76-83, 85-87, 92-108, 110-112, 117-119, and 123 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in

this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Arguments that some of the new claims present similar scope as claims previously indicated to be allowable has been considered but are not persuasive in view of their changed scope resulting from removal of limitations wherein the claimed invention is considered anew as indicated above.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on T,W,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary Estremsky  
Primary Examiner  
Art Unit 3673

/Gary Estremsky/  
Primary Examiner, Art Unit 3673

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**Search Notes (continued)**

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Examiner

Gary Estremsky

Applicant(s)/Patent under  
Reexamination

HAUTALA ET AL.

Art Unit

3673

**SEARCHED**

Class	Subclass	Date	Examiner
update	search	8/2/2008	GWE

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR